

REMARKS

This Response, submitted in reply to the Office Action dated March 11, 2008, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-8 and 10-18 are all the claims pending in the application. Claims 2, 4, 6-8, 10 and 12-14 have been withdrawn from consideration.

I. Claim Rejections - 35 U.S.C. § 112

Claim 18 is rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicant respectfully traverses the rejection.

The current view of the courts is that there is nothing inherently ambiguous or uncertain about a negative limitation. Any negative limitation or exclusionary proviso must have basis in the original disclosure. See MPEP 2173.05(i).

FIGs. 6 and 8 illustrate positive conduction plate 83 and negative conduction plate 84. The insulating members 83a and 84a are provided on the surface of intermediate parts of the respective plates. *See* Applicant's Specification, pg. 21. Therefore, as illustrated in the drawings, the plates are not planar. Therefore, the aspect of claim 18 is clearly supported in the original disclosure.

Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 18 under 35 U.S.C. § 112, first paragraph.

II. Rejection of claims 1, 11 and 16 under 35 U.S.C. § 103

Claims 1, 11 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Masaki et al. (JP Pub. No. 07-007810, hereafter "Masaki") in view of Shirakawa et al. (U.S. Patent No. 6,843,335, hereafter "Shirakawa"). Applicant respectfully traverses the rejection.

Claim 1

The Examiner concedes that Masaki does not teach the use of a metal plate in the connection of the battery to the inverter as claimed and cites Shirakawa to cure the deficiency.

Masaki Fig. 1 discloses an inverter 6 and a battery 12 enclosed in an electromagnetic shielding container 14. Therefore, the Applicant previously asserted that assuming *arguendo*, Shirakawa discloses the claimed plate, there is no need for an electric connection body for electrically connecting the battery and the inverter unit of Masaki since the battery and inverter unit of Masako are already housed in the electromagnetic shielding container 14. Therefore, there is no teaching or suggestion in Masaki regarding the connection between the battery and the inverter unit, therefore it is evident that the Examiner's reasoning is merely a result of hindsight.

The Examiner in response states that Masaki teaches "connection of a battery and the inverter and containing the battery and the inverter within a housing, however [Masaki] does not address physical mounting structures or attachment in any meaningful way. The components of Masaki must be attached or fixed in some manner to the vehicle." Office Action, pg. 2. Thereafter, the Examiner refers to Fig. 4 of Shirakawa for allegedly teaching a battery fixed to an inverter with a plate and argues that "it would have been obviousness to one of ordinary skill in the art at the time of the invention to modify Masaki to use a metal plate as means to directly

connect the battery and the inverter in order to securely attach the components and to reduce the need mounting space in the vehicle." The Applicant respectfully disagrees with the Examiner's assertions. As discussed above, there is no teaching or suggestion that such a connection would comprise a metal plate.

Furthermore, as previously stated, there is no need for an electric connection body for electrically connecting the battery and the inverter unit of Masaki since the battery and inverter unit of Masaki are already housed in the electromagnetic shielding container 14. There is no teaching or suggestion in Masaki regarding the connection between the battery and the inverter unit, therefore it is evident that the Examiner's reasoning is merely a result of hindsight.

For at least the above reasons, claim 1 and its dependent claims should be deemed allowable.

The Examiner further states that the "Applicant's remaining arguments depend directly or indirectly from the above arguments" (Office Action, pg. 3) presented with respect to claim 1. Applicant asserts that this is incorrect and the arguments presented with respect to the other claims should be properly addressed. Applicant respectfully notes that where the applicant traverses any rejection, the examiner should, **if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.** See MPEP 707.07(f). The Examiner fails to answer the substance of the Applicant's arguments with respect to all of the claims. Therefore, Applicant repeats the arguments for the Examiner's convenience and requests that the Examiner address the substance

RESPONSE UNDER 37 C.F.R. § 1.116

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of the arguments.

Claim 11

Claim 11 recites, *inter alia*, "wherein the inverter unit is **held and fixed** to the battery by the electric connection body for electrically connecting the battery and the inverter unit." In rejecting claim 11, the Examiner merely states that the inverter 6 of Masaki is secured in a housing to the battery 12 by connection wires and secured in the housing. However, as discussed above with respect to claim 1, the electric connection body is a metal plate. There is no teaching or suggestion that the battery 57 of Shirakawa is held and fixed to the inverter 1. Further, there is no teaching or suggestion that the wires of Masaki hold and fix the inverter 6 to the battery 12. Specifically, there is no teaching or suggestion in the references regarding the claimed language.

In view of the forgoing, claim 11 should be deemed allowable.

Claim 16

Claim 16 recites, *inter alia* "an attachment plate which is fixed integrally with the inverter unit, and wherein a battery fixing plate is integrally welded or caulked to the attachment plate." The Examiner asserts that Shirakawa teaches the use of a planar conducting member which is fixed with the inverter unit. To the best of Applicant's understanding, the Examiner appears to be citing conductor plate 21 for teaching the claimed attachment plate. However, the conductor plate 21 was previously cited by the Examiner for teaching the claimed electronic connection body. The same aspect of a reference cannot be cited for teaching distinctly different claim elements.

Moreover, Applicant submits that the Examiner has not shown where the battery fixing plate as recited in claim 16 is disclosed in the cited art. Applicant submits that a battery fixing

plate which is integrally welded or caulked to the attachment plate as claimed is not disclosed in the art cited by the Examiner.

For at least the above reasons, claim 16 should be deemed allowable.

III. Rejection of claims 3 and 5 under 35 U.S.C § 103

Claims 3 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Masaki in view of Shirakawa in view of Saka et al. (JP Pub. No. 2004-120936; hereinafter "Saka"). Claims 3 and 5 are patentable at least by virtue of their dependency on independent claim 1 for at least the reasons set forth above. Moreover, Saka does not cure the deficiencies of Masaki and Shirakawa.

IV. Rejection of claim 15 under 35 U.S.C. § 103

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Masaki in view of Shirakawa in further view of Becker (U.S. Patent No. 4,535,863). Claim 15 is patentable at least by virtue of its dependency on independent claim 1 for at least the reasons set forth above. Moreover, Becker does not cure the deficiencies of Masaki and Shirakawa.

Claim 15 recites "a battery tray, wherein said battery is positioned in said battery tray, and wherein said metal plate is fixed to the battery tray." The Examiner concedes that Masaki and Shirakawa do not disclose the claimed battery tray and cites Becker to cure the deficiency. However, assuming *arguendo* Becker teaches the claimed battery tray, there is no teaching or suggestion that a metal plate is fixed to the battery tray as claimed.

Therefore, claim 15 should be deemed allowable.

V. Rejection of claim 17 under 35 U.S.C § 103

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Masaki in view of Shirakawa in further view of Tamba et al. (U.S. Patent No. 6,621,701; hereinafter "Tamba"). Claim 17 is patentable at least by virtue of its dependency on independent claim 1 for at least the reasons set forth above. Moreover, Tamba does not cure the deficiencies of Masaki and Shirakawa.

VI. Rejection of claim 18 under 35 U.S.C. § 103

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Masaki in view of Shirakawa in further view of Johnson et al. (U.S. Patent No. 6,462,961; hereinafter "Johnson"). Claim 18 is patentable at least by virtue of its dependency on independent claim 1 for at least the reasons set forth above. Moreover, Johnson does not cure the deficiencies of Masaki and Shirakawa.

Furthermore, Johnson merely teaches a universal mounting bracket. Specifically, Johnson discloses that a component housing assembly has a universal mounting capability provided by a universal mounting bracket and a housing having a plurality of mounting holes to accommodate the attachment of the bracket in multiple configurations. See Abstract. The Examiner states that "[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to modify Masaki and Shirakawa to use a bracket which is not planar in order to attach the battery and the inverter to a side of the inverter unit." See Office Action, pg. 8. Applicant respectfully disagrees with the Examiner's assertion.

Johnson discloses a universal mounting bracket for mounting electronic equipment for a home or business. *See* col. 1, lns. 20-25. Johnson is not at all concerned with a metal plate for connecting a battery and an inverter. Therefore, Johnson does not teach the claimed metal plate.

In addition, Masaki merely discloses the user of wires to connect the inverter and the battery. Furthermore, Shirakawa requires the use of planer input terminals. *See* col. 7, ln. 44-48; see also page 8 of the Office Action. Accordingly, the use of a non-planar plate would be contrary to the principle of operation of Shirakawa evidencing that the Examiner's motivation for the combination is improper and is clearly a result of impermissible hindsight. MPEP 2143.01.

For at least the above reasons, claim 18 should be deemed allowable.

VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Ruthleen E. Uy/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860
WASHINGTON OFFICE

Ruthleen E. Uy
Registration No. 51,361

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CUSTOMER NUMBER

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